

ORIGINAL

(70)
2-10-03
JC

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEITH I. SCHORR, SUSAN SCHORR, :
in their own right and as personal :
representatives of the ESTATE OF :
RYAN K. SCHORR :

JURY TRIAL DEMANDED

V.

HONORABLE YVETTE KANE

Plaintiffs,

BOROUGH OF LEMOYNE, et al.

Defendants.

NO. 1:CV-01-0930

FILED
HARRISBURG, PA

FEB 07 2003

PLAINTIFFS' MOTION TO DISMISS

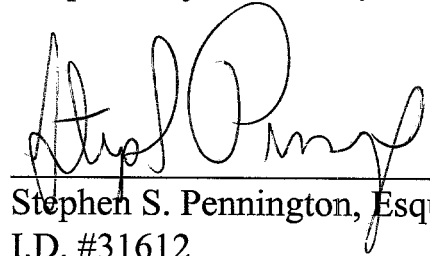
MARY E. D'ANDREA, CLERK
Per

1. On February 3, 2003, the trial judge in this matter held a telephone conference with counsel for the parties to review the Magistrate Judge's Report and Recommendation regarding defendants West Shore Regional Police Commission, and Chief Howard Dougherty's Motion to Dismiss Plaintiffs' First Amended Complaint, and defendant Cumberland County's Motion to Dismiss Counts IV, V, VI, and VII of Plaintiffs' First Amended Complaint.

2. In accordance with the Report and Recommendation of the Magistrate Judge, plaintiffs move the court to dismiss Count IV, Count V as to defendants Cumberland County and Chief Dougherty, Count VI, and Count VII with prejudice.

3. Plaintiffs' maintain their objection to the Magistrate Judge's Report and Recommendation regarding Count V as to the defendant West Shore Regional Police Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen S. Pennington", is written over a horizontal line.

Stephen S. Pennington, Esquire
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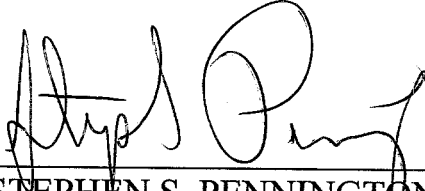
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, STEPHEN S. PENNINGTON, hereby certify that on this date I served a true and correct copy of the foregoing Plaintiffs' Motion to Dismiss, with supporting brief and proposed order addressed to the Court via overnight United Parcel Service and Defendants by U.S. first class mail, postage prepaid upon the following counsel:

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Counsel for Defendant Holy Spirit Hospital


STEPHEN S. PENNINGTON, ESQUIRE

Dated: February 6, 2003